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### Questions

1. What was the intent of these laws?
  2. Who was charged with enforcing them? ("Every civil officer shall, and every person may, arrest and carry back to his or her legal employer. . .") Who was considered a "person"? Who was not a "person"?
  3. How were vagrants defined? Were these laws based on the assumption that the only vagrants were African Americans? What restrictions were placed on the freedom of expression of African Americans? What restrictions were placed on their freedom of association? On whites in Mississippi?
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## 15-4 The Civil Rights Act of 1866

When Congress reconvened in December 1865, it blocked President Johnson's attempts to restore the South quickly. It extended the life of the Freedmen's Bureau over the president's veto and passed another landmark law, the Civil Rights Act of 1866, again over the president's veto (see text p. 484). This act made African Americans citizens and countered the 1857 *Dred Scott* decision, in which the Supreme Court had declared that no African American who was descended from a slave was or could ever be a citizen.

Doubts about the constitutionality and permanence of the Civil Rights Act of 1866 prompted Congress to pass the Fourteenth Amendment (see text pp. 484–485 and D-17). Ratified in 1868, this amendment for the first time constitutionally defined citizenship and some of the basic rights of citizenship; it also embraced the Republican program for Reconstruction.

Source: U.S. Statutes at Large, 14 (1868?), 27ff.

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*An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their Vindication.*

*Be it enacted*, That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That any person who, under color of any law, statute, ordinance, regula-

tion, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 3. *And be it further enacted*, That the district courts of the United States, . . . shall have, exclusively of the courts of the several States, cognizance of all crimes and offences committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of

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the rights secured to them by the first section of this act. . . .

SEC. 4. *And be it further enacted*, That the district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, the officers and agents of the Freedmen's Bureau, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States or territorial court as by this act has cognizance of the offence. . . .

SEC. 8. *And be it further enacted*, That whenever the President of the United States shall have reason to believe that offences have been or are likely to be committed

against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act; and it shall be the duty of every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

SEC. 9. *And be it further enacted*, That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act.

SEC. 10. *And be it further enacted*, That upon all questions of law arising in any cause under the provisions of this act a final appeal may be taken to the Supreme Court of the United States.

### Questions

1. What was the intent of the Civil Rights Act?
2. Who was responsible for enforcing this law, and what powers might they use? Was it necessary to wait until the law was violated before officers of the law could act?
3. According to the Fourteenth Amendment, who is a citizen of the United States? What rights does the amendment say citizens have? What does "equal protection of the laws" mean?

### Questions for Further Thought

1. Compare and contrast President Johnson's description of conditions in the South (Document 15-1) with that of General Schurz (Document 15-2). Which do you find to be more accurate? Why?
2. What did Johnson and Schurz say about relations between blacks and whites?
3. Compare the Mississippi Black Codes (Document 15-3) with the Civil Rights Act of 1866 (Document 15-4). Why do you think Congress believed that it had to pass the Civil Rights Act and then adopt the Fourteenth Amendment?

## Radical Reconstruction

When only Tennessee ratified the Fourteenth Amendment (and was readmitted to the Union), Congressional Republicans, strengthened by their victories in the 1866 congressional elections, passed the Reconstruction Acts. These laws forced unreconstructed former Confederate states to meet Republican conditions for readmission, including granting African American men the vote. While these measures were called radical by their detractors (and this phase of Reconstruction referred to as "radical Reconstruction"), these measures actually fell far short of what some in Congress desired

(Document 15-5). They fell even further short of the hopes of women's rights advocates that the vote might be extended to them as well as blacks—a frustration that seriously split the movement, but led ultimately to the creation of a new, and ultimately successful, woman suffrage movement (Document 15-6).

During Reconstruction African Americans obtained a number of civil and political rights, most especially in the realm of politics. While no former Confederate state was controlled by blacks, a large group of African American politicians surged into prominence, seeking to use government power to help constituents who previously had not even been regarded as citizens (Document 15-7). While many of these new political rights were lost in the years following Reconstruction, other gains, especially in social and economic realms, were more enduring. At the insistence of the freed slaves, planters dismantled much of the old slave regime, replacing gang labor and the old slave quarters with a new system of individual plots worked by families for shares of the crops. Black marriages were formalized, and African Americans gained control over their family lives. They pursued education, built new institutions such as the black church, and began to acquire property. While white racism and white landlord power raised enormous barriers to black advancement, through the years increasing (though still small) numbers of African Americans became property holders (Document 15-8).

## 15-5 Black Suffrage and Land Redistribution (1867)

### Thaddeus Stevens

The Radical Republicans, including Congressman Thaddeus Stevens of Pennsylvania, believed that besides the vote, freedmen would need an economic basis for controlling their lives (see text pp. 485–486). Below are excerpts from the remarks of Thaddeus Stevens and from a bill in which he proposed to alter the South drastically.

Source: *Congressional Globe*, 3 January 1867, 252; 19 March 1867, 203.

#### ON BLACK SUFFRAGE

Unless the rebel States, before admission, should be made republican in spirit, and placed under the guardianship of loyal men, all our blood and treasure will have been spent in vain. I waive now the question of punishment which, if we are wise, will still be inflicted by moderate confiscations. . . . Impartial suffrage, both in electing the delegates and ratifying their proceedings, is now the fixed rule. There is more reason why colored voters should be admitted in the rebel States than in the Territories. In the States they form the great mass of the loyal men. Possibly with their aid loyal governments may be established in most of those States. Without it all are sure to be ruled by traitors; and loyal men, black and white, will be oppressed, exiled, or murdered. There are several good reasons for the passage of this bill. In the first place, it is just. I am now confining my argument to negro suffrage in the rebel States. Have not loyal blacks quite as good a right to choose rulers and make laws as rebel whites? In the second place,

it is a necessity in order to protect the loyal white men in the seceded States. The white Union men are in a great minority in each of those States. With them the blacks would act in a body; and it is believed that in each of said States, except one, the two united would form a majority, control the States, and protect themselves. Now they are the victims of daily murder. . . .

Another good reason is, it would insure the ascendancy of the Union party. . . . I believe . . . that on the continued ascendancy of that party depends the safety of this great nation. If impartial suffrage is excluded in the rebel States, then every one of them is sure to send a solid rebel representative delegation to Congress, and cast a solid rebel electoral vote. They, with their kindred Copperheads of the North, would always elect the President and control Congress. While slavery sat upon her defiant throne, and insulted and intimidated the trembling North, the South frequently divided on questions of policy between Whigs and Democrats, and gave victory alternately to the sections. Now, you must divide them between loyalists, with-

out regard to color, and disloyalists, or you will be the perpetual vassals of the free-trade, irritated, revengeful South. . . . I am for negro suffrage in every rebel State. If it be just, it should not be denied; if it be necessary, it should be adopted; if it be a punishment to traitors, they deserve it.

#### BILL ON LAND REDISTRIBUTION

Whereas it is due to justice, as an example to future times, that some proper punishment should be inflicted on the people who constituted the "confederate States of America," both because they, declaring an unjust war against the United States for the purpose of destroying republican liberty and permanently establishing slavery, as well as for the cruel and barbarous manner in which they conducted said war, in violation of all the laws of civilized warfare, and also to compel them to make some compensation for the damages and expenditures caused by said war: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the public lands belonging to the ten States that formed the government of the so-called "confederate States of America" shall be forfeited by said States and become forthwith vested in the United States. . . .

That out of the lands thus seized and confiscated the slaves who have been liberated by the operations of the war and the amendment to the Constitution or otherwise, who resided in said "confederate States" on the 4th day of March, A.D. 1861, or since, shall have distributed to them

as follows, namely: to each male person who is the head of a family, forty acres; to each adult male, whether the head of a family or not, forty acres; to each widow who is the head of a family, forty acres—to be held by them in fee-simple, but to be inalienable for the next ten years after they become seized thereof. . . .

That out of the balance of the property thus seized and confiscated there shall be raised, in the manner hereinafter provided, a sum equal to fifty dollars, for each homestead, to be applied by the trustees hereinafter mentioned toward the erection of buildings on the said homesteads for the use of said slaves; and the further sum of \$500,000,000, which shall be appropriated as follows, to wit: \$200,000,000 shall be invested in United States six per cent securities; and the interest thereof shall be semi-annually added to the pensions allowed by law to pensioners who have become so by reason of the late war; \$300,000,000, or so much thereof as may be needed, shall be appropriated to pay damages done to loyal citizens by the civil or military operations of the government lately called the "confederate States of America." . . .

That in order that just discrimination may be made, the property of no one shall be seized whose whole estate on the 4th day of March, A.D. 1865, was not worth more than \$5,000, to be valued by the said commission, unless he shall have voluntarily become an officer or employé in the military or civil service of the "confederate States of America," or in the civil or military service of some one of said States. . . .

#### Questions

1. On what grounds did Stevens justify granting African American men the vote?
2. What did Stevens want to do with land confiscated in the South?
3. Why do you think Congress rejected Stevens's land confiscation and redistribution proposal? Do you think that if Congress had adopted the proposal, it would have made a difference in the history of the South or the United States? Why or why not?

## 15-6 The Fourteenth Amendment and Woman Suffrage (1873, 1875)

As noted in the text (p. 488), not only did the Fourteenth and Fifteenth amendments ignore the demands of the women's rights movement for equal access to the ballot box, but the Fourteenth Amendment introduced the word "male" for the first time into the U.S. Constitution. Nonetheless, many suffragists continued to believe that the newly formalized and broadened definition of American citizenship established by the Fourteenth Amendment could be used to gain women the vote through a judicial ruling. In 1872 a number of suffragists, including Susan B. Anthony, voted in the presidential election; Anthony was indicted and brought to trial, providing her the opportunity she

sought to make her case (Document 15-6a). Anthony was blocked from making her appeal, but another suffragist, Virginia Minor of Missouri, sued the official who blocked her from the ballot box and saw her case reach the Supreme Court. The Court's decision (Document 15-6b), handed down in 1875, effectively ended all hopes that gender relations as well as race relations had been "reconstructed" by the Fourteenth Amendment, and strengthened the movement for a constitutional woman suffrage amendment. Furthermore, by effectively separating the right to vote from fundamental citizenship rights, the Court also helped set the stage for the later movement to use "color-blind" laws to disfranchise African Americans.

Sources: Ruth Barnes Moynihan, Cynthia Russett, and Laurie Crumpacker, eds., *Second to None: A Documentary History of American Women* (Lincoln: University of Nebraska Press, 1993), 2: 16–19; *Minor v. Happersett*, 88 U.S. 162, in Linda Kerber and Jane Sherron DeHart, eds., *Women's America: Refocusing the Past*, 5th ed. (New York: Oxford University Press, 2000), 245–246.

#### (a) I Stand Before You Under Indictment (1873)

*Friends and Fellow-Citizens:*—I stand before you under indictment for the alleged crime of having voted at the last presidential election, without having a lawful right to vote. It shall be my work this evening to prove to you that in thus doing, I not only committed no crime, but instead simply exercised my citizen's right, guaranteed to me and all United States citizens by the National Constitution beyond the power of any State to deny.

Our democratic-republican government is based on the idea of the natural right of every individual member thereof to a voice and a vote in making and executing the laws. We assert the province of government to be to secure the people in the enjoyment of their inalienable rights. We throw to the winds the old dogma that government can give rights. No one denies that before governments were organized each individual possessed the right to protect his own life, liberty and property. When 100 or 1,000,000 people enter into a free government, they do not barter away their natural rights; they simply pledge themselves to protect each other in the enjoyment of them through prescribed judicial and legislative tribunals. They agree to abandon the methods of brute force in the adjustment of their differences and adopt those of civilization. Nor can you find a word in any of the grand documents left us by the fathers which assumes for government the power to create or to confer rights. The Declaration of Independence, the United States Constitution, the constitutions of the several States and the organic laws of the Territories, all alike propose to *protect* the people in the exercise of their God-given rights. Not one of them pretends to bestow rights.

All men are created equal, and endowed by their Creator with certain inalienable rights. Among these are life, liberty and the pursuit of happiness. To secure

these, governments are instituted among men, deriving their just powers from the consent of the governed.

Here is no shadow of government authority over rights, or exclusion of any class from their full and equal enjoyment. Here is pronounced the right of all men, and "consequently," as the Quaker preacher said, "of all women," to a voice in the government. And here, in this first paragraph of the Declaration, is the assertion of the natural right of all to the ballot; for how can "the consent of the governed" be given, if the right to vote be denied? Again:

Whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

Surely the right of the whole people to vote is here clearly implied; for however destructive to their happiness this government might become, a disfranchised class could neither alter nor abolish it, nor institute a new one, except by the old brute force method of insurrection and rebellion. One-half of the people of this nation today are utterly powerless to blot from the statute books an unjust law, or to write there a new and just one. The women, dissatisfied as they are with this form of government, that enforces taxation without representation—that compels them to obey laws to which they never have given their consent—that imprisons and hangs them without a trial by a jury of their peers—that robs them, in marriage, of the custody of their own persons, wages and children—are this half of the people who are left wholly at the mercy of the other half, in direct violation of the spirit and letter of the declarations of the framers of this government, every one of which was

based on the immutable principle of equal rights to all. By these declarations, kings, popes, priests, aristocrats, all were alike dethroned and placed on a common level, politically, with the lowliest born subject or serf. By them, too, men, as such, were deprived of their divine right to rule and placed on a political level with women. By the practice of these declarations all class and caste distinctions would be abolished, and slave, serf, plebeian, wife, woman, all alike rise from their subject position to the broader platform of equality.

The preamble of the Federal Constitution says:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

It was we, the people, not we, the white male citizens, nor we, the male citizens; but we, the whole people, who formed this Union. We formed it not to give the blessings of liberty but to secure them; not to the half of ourselves and the half of our posterity, but to the whole people—women as well as men. It is downright mockery to talk to women of their enjoyment of the blessings of liberty while they are denied the only means of securing them provided by this democratic-republican government—the ballot. . . .

For any State to make sex a qualification, which must ever result in the disfranchisement of one entire half of the people, is to pass a bill of attainder, an ex post facto law, and is therefore a violation of the supreme law of the land. By it the blessings of liberty are forever withheld from women and their female posterity. For them, this government has no just powers derived from the consent of the governed. For them this government is not a democracy; it is not a republic. It is the most odious aristocracy ever established on the face of the globe. An oligarchy of wealth, where the rich govern the poor; an oligarchy of learning, where the educated govern the ignorant; or even an oligarchy of race, where the Saxon rules the African, might be endured; but this oligarchy of sex which makes father, brothers, husband, sons, the oligarchs over the mother and sisters, the wife and daughters of every household; which ordains all men sovereigns, all women subjects—carries discord and rebellion into every home of the nation. . . . The moment you deprive a person of his right to a voice in the government, you degrade him from the status of a citizen of the republic to that of a subject. It matters very little to him whether his monarch be an individual tyrant, as is the Czar of Russia, or a 15,000,000 headed monster, as here in the United States; he is a powerless subject, serf or slave; not in any sense a free and independent citizen. . . .

Though the words persons, people, inhabitants, electors, citizens, are all used indiscriminately in the national

and State constitutions, there was always a conflict of opinion, prior to the war, as to whether they were synonymous terms, but whatever room there was for doubt, under the old regime, the adoption of the Fourteenth Amendment settled that question forever in its first sentence:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside.

The second settles the equal status of all citizens:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, or deny to any person within its jurisdiction the equal protection of the laws.

The only question left to be settled now is: Are women persons? I scarcely believe any of our opponents will have the hardihood to say they are not. Being persons, then, women are citizens, and no State has a right to make any new law, or to enforce any old law, which shall abridge their privileges or immunities. Hence, every discrimination against women in the constitutions and laws of the several States is today null and void, precisely as is every one against negroes.

Is the right to vote one of the privileges or immunities of citizens? I think the disfranchised ex-rebels and ex-State prisoners all will agree that it is not only one of them, but the one without which all the others are nothing. Seek first the kingdom of the ballot and all things else shall be added, is the political injunction. . . .

If once we establish the false principle that United States citizenship does not carry with it the right to vote in every State in this Union, there is no end to the petty tricks and cunning devices which will be attempted to exclude one and another class of citizens from the right of suffrage. It will not always be the men combining to disfranchise all women; native born men combining to abridge the rights of all naturalized citizens, as in Rhode Island. It will not always be the rich and educated who may combine to cut off the poor and ignorant; but we may live to see the hardworking, uncultivated day laborers, foreign and native born, learning the power of the ballot and their vast majority of numbers, combine and amend State constitutions so as to disfranchise the Vanderbilts, the Stewarts, the Conklings and the Fentons. It is a poor rule that won't work more ways than one. Establish this precedent, admit the State's right to deny suffrage, and there is no limit to the confusion, discord, and disruption that may await us. There is and can be but one safe principle of government—equal rights to all. Discrimination against any class on account of color, race, nativity,



sex, property, culture, can but embitter and disaffect that class, and thereby endanger the safety of the whole people. Clearly, then, the national government not only must define the rights of citizens, but must stretch out its powerful hand and protect them in every State of this Union.

(b) *Minor v. Happersett* (1875)

MR. CHIEF JUSTICE MORRISON R. WAITE DELIVERED  
THE OPINION OF THE COURT:

The question is presented in this case, whether, since the adoption of the fourteenth amendment, a woman, who is a citizen of the United States and of the State of Missouri, is a voter in that State, notwithstanding the provision of the constitution and laws of the State, which confine the right of suffrage to men alone. . . . The argument is, that as a woman, born or naturalized in the United States and subject to the jurisdiction thereof, is a citizen of the United States and of the State in which she resides, she has the right of suffrage as one of the privileges and immunities of her citizenship, which the State cannot by its laws or constitution abridge.

There is no doubt that women may be citizens. They are persons, and by the fourteenth amendment "all persons born or naturalized in the United States and subject to the jurisdiction thereof" are expressly declared to be "citizens of the United States and of the State wherein they reside." But, in our opinion, it did not need this amendment to give them that position . . . sex has never been made one of the elements of citizenship in the United States. In this respect men have never had an advantage over women. The same laws precisely apply to both. The fourteenth amendment did not affect the citizenship of women any more than it did of men . . . Mrs. Minor . . . has always been a citizen from her birth, and entitled to all the privileges and immunities of citizenship.

If the right of suffrage is one of the necessary privileges of a citizen of the United States, then the constitution and laws of Missouri confining it to men are in violation of the Constitution of the United States, as amended, and conse-

quently void. The direction question is, therefore, presented whether all citizens are necessarily voters.

The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case we need not determine what they are, but only whether suffrage is necessarily one of them.

It certainly is nowhere made so in express terms. The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by state voters. . . . it cannot for a moment be doubted that if it had been intended to make all citizens of the United States voters, the framers of the Constitution would not have left it to implication. . . .

It is true that the United States guarantees to every State a republican form of government. . . . No particular government is designated as republican, neither is the exact form to be guaranteed, in any manner especially designated. . . . When the Constitution was adopted . . . all the citizens of the States were not invested with the right of suffrage. In all, save perhaps New Jersey, this right was only bestowed upon men and not upon all of them. . . . Under these circumstances it is certainly now too late to contend that a government is not republican, within the meaning of this guaranty in the Constitution, because women are not made voters. . . . If suffrage was intended to be included within its obligations, language better adapted to express that intent would most certainly have been employed. . . .

. . . For nearly ninety years the people have acted upon the idea that the Constitution, when it conferred citizenship, did not necessarily confer the right of suffrage. If uniform practice long continued can settle the construction of so important an instrument as the Constitution of the United States confessedly is, most certainly it has been done here. Our province is to decide what the law is, not to declare what it should be.

We have given this case the careful consideration its importance demands. If the law is wrong, it ought to be changed; but the power for that is not with us. . . . No argument as to woman's need of suffrage can be considered. We can only act upon her rights as they exist. . . .

### Questions

1. What case does Anthony make for treating voting as an "inalienable right"?
2. What does Anthony see as the consequence of denying that the right to vote is intrinsic to citizenship? Is her view prophetic?
3. Compare the reasoning of Anthony and of Chief Justice Waite on the question of whether the right to vote is one of the "privileges and immunities" of citizenship. What sorts of evidence do they cite?

## 15-7 An Advocate of Federal Aid for Land Purchase (1868)

### Richard H. Cain

With the enactment of the Reconstruction Act of 1867, the cast of political leadership in the South dramatically changed. One good example of the new men rising to prominence was Richard H. Cain (1825–1887). Born in Virginia of African American and Cherokee parents, Cain was raised in Ohio, attending Wilberforce University and becoming a minister in the African Methodist Episcopal (A.M.E.) Church. After spending the Civil War as pastor of a Brooklyn church, he went south in 1865 as a missionary; reorganizing the Emmanuel A.M.E. Church of Charleston, South Carolina, Cain built it into the largest A.M.E. congregation in the state and used it as a political base. He was a delegate to the South Carolina constitutional convention of 1868; served as a state senator from 1868 to 1870; unsuccessfully sought the Republican nomination for lieutenant governor in 1872; and served in the U.S. House of Representatives from 1873 to 1875 and again from 1877 to 1879. Cain left South Carolina in 1880 and spent the remainder of his life as a bishop and college president in the A.M.E. Church.

Like many successful African American preachers, Cain was an astute businessman, eager to lend his services to build up the black community. Like many other black politicians, he saw the issue of land for the freedmen as paramount. An early advocate of redistribution of confiscated lands à la Thaddeus Stevens (Document 15-5), at the constitutional convention Cain advocated petitioning the federal government to appropriate \$1 million to finance land purchases by the freedmen. When his proposal was attacked by C. P. Leslie, a white Republican delegate, Cain defended it with the following remarks.

Source: *Proceedings of the Constitutional Convention of South Carolina* (Charleston: Denny and Perry, 1868), 378–382.

. . . Mr. CAIN. I offer this resolution with good intentions. I believe there is need of immediate relief to the poor people of the State. I know from my experience among the people, there is pressing need of some measures to meet the wants of the utterly destitute. The gentleman says it will only take money out of the Treasury. Well that is the intention. I do not expect to get it anywhere else. I expect to get the money, if at all, through the Treasury of the United States, or some other department. It certainly must come out of the Government. I believe such an appropriation would remove a great many of the difficulties now in the State and do a vast amount of good to poor people. It may be that we will not get it, but that will not debar us from asking. It is our privilege and right. Other Conventions have asked from Congress appropriations. Georgia and other States have sent in their petitions. One has asked for \$30,000,000 to be appropriated to the Southern States. I do not see any inconsistency in the proposition presented by myself.

Mr. C. P. LESLIE. Suppose I should button up my coat and march up to your house and ask you for money or provisions, when you had none to give, what would you think of me?

Mr. CAIN. You would do perfectly right to run the chance of getting something to eat. This is a measure of re-

lief to those thousands of freed people who now have no lands of their own. I believe the possession of lands and homesteads is one of the best means by which a people is made industrious, honest and advantageous to the State. I believe it is a fact well known, that over three hundred thousand men, women and children are homeless, landless. The abolition of slavery has thrown these people upon their own resources. How are they to live? I know the philosopher of the New York *Tribune* says, "root hog or die;" but in the meantime we ought to have some place to root. My proposition is simply to give the hog some place to root. I believe if the proposition is sent to Congress, it will certainly receive the attention of our friends. I believe the whole country is desirous to see that this State shall return to the Union in peace and quiet, and that every inhabitant of the State shall be made industrious and profitable to the State. I am opposed to this Bureau system. I want a system adopted that will do away with the Bureau, but I cannot see how it can be done unless the people have homes. As long as people are working on shares and contracts, and at the end of every year are in debt, so long will they and the country suffer. But give them a chance to buy lands, and they become steady, industrious men. That is the reason I desire to bring this money here and to assist them to buy lands. It will be the means of encouraging

them to industry if the petition be granted by Congress. It will be the means of meeting one of the great wants of the present among the poor. It will lay the foundation for the future prosperity of the country as no other measure will at this time, because it will bring about a reconciliation in the minds of thousands of these helpless people, which nothing else can. This measure, if carried out, will bring capital to the State and stimulate the poor to renewed efforts in life, such as they never had before. Such a measure will give to the landholders relief from their embarrassments financially, and enable them to get fair compensation for their lands. It will relieve the Government of the responsibility of taking care of the thousands who now are fed at the Commissaries and fostered in laziness. I have gone through the country and on every side I was besieged with questions: How are we to get homesteads, to get lands? I desire to devise some plan, or adopt some measure by which we can dissipate one of the arguments used against us, that the African race will not work. I do not believe the black man hates work any more than the white man does. Give these men a place to work, and I will guarantee before one year passes, there will be no necessity for the Freedman's Bureau, or any measure aside from those measures which a people may make in protecting themselves.

But a people without homes become wanderers. If they possess lands they have an interest in the soil, in the State, in its commerce, its agriculture, and in everything pertaining to the wealth and welfare of the State. If these people had homes along the lines of railroads, and the lands were divided and sold in small farms, I will guarantee our railroads will make fifty times as much money, banking systems will be advanced by virtue of the settlement of the people throughout the whole State. We want these large tracts of land cut up. The land is productive, and there is nothing to prevent the greatest and highest prosperity. What we need is a system of small farms. Every farmer owning his own land will feel he is in possession of something. It will have a tendency to settle the minds of the people in the State and settle many difficulties. In the rural districts now there is constant discontent, constant misapprehension between the parties, a constant disregard for each other. One man won't make an engagement to work, because he fears if he makes a contract this year, he will be cheated again as he thinks he was last year. We have had petitions from planters asking the Convention to disabuse the minds of the freedmen of the thought that this Convention has any lands at its disposal, but I do desire this Convention to do something at least to relieve the wants of these poor suffering people. I believe this measure, if adopted and sent to Congress, will indicate to the people that this Convention does desire they shall possess homes and have relief.

Some of my friends say that the sum is too small, and ask why I do not make it more. I made it a million, because I thought there would be more probability of getting one

million than five. It might be put into the hands of the Bureau, and I am willing to trust the Bureau. . . .

I do not desire to have a foot of land in this State confiscated. I want every man to stand upon his own character. I want these lands purchased by the government, and the people afforded an opportunity to buy from the government. I believe every man ought to carve out for himself a character and position in this life. I believe every man ought to be made to work by some means or other, and if he does not, he must go down. I believe if the same amount of money that has been employed by the Bureau in feeding lazy, worthless men and women, had been expended in purchasing lands, we would to-day have no need of the Bureau. Millions upon millions have been expended, and it is still going on *ad infinitum*. I propose to let the poor people buy these lands, the government to be paid back in five years time. It is one of the great cries of the enemies of reconstruction, that Congress has constantly fostered laziness. I want to have the satisfaction of showing that the freedmen are as capable and willing to work as any men on the face of the earth. This measure will save the State untold expenses. I believe there are hundreds of persons in the jail and penitentiary cracking rock to-day who have all the instincts of honesty, and who, had they an opportunity of making a living, would never have been found in such a place. I think if Congress will accede to our request, we shall be benefited beyond measure, and save the State from taking charge of paupers, made such by not having the means to earn a living for themselves.

I can look to a part of my constituency, men in this hall, mechanics, plasterers, carpenters, engineers, men capable of doing all kind of work, now idle because they cannot find any work in the city. Poverty stares them in the face, and their children are in want. They go to the cotton houses, but can find no labor. They are men whose honesty and integrity has never been called in question. They are suffering in consequence of the poverty-stricken condition of the city and State. I believe the best measure is to open a field where they can labor, where they can take the hoe and the axe, cut down the forest, and make the whole land blossom as the Garden of Eden, and prosperity pervade the whole land.

Now, the report of Major General Howard gives a surplus of over seven millions in the Freedman's Bureau last year. Out of that seven millions I propose we ask Congress to make an appropriation of one million, which will be properly distributed and then leave several millions in that Department, my friend from Barnwell notwithstanding.

I think there could be no better measure for this Convention to urge upon Congress. If that body should listen to our appeal, I have no doubt we shall be benefited. This measure of relief, it seems to me, would come swiftly. It is a swift messenger that comes in a week's time after it is passed; so that in the month of February or March the people may be enabled to go to planting and raising crops

for the ensuing year. One gentleman says it will take six months or a year, but I hope, with the assistance of the Government, we could accomplish it in less time.

Mr. C. P. LESLIE. Did you ever see the Government do anything quick?

Mr. R. H. CAIN. They make taxes come quick. If this measure is carried out, the results will be that we will see all along our lines of railroad and State roads little farms, log cabins filled with happy families, and thousands of families coming on the railroads with their products. There will also spring up depots for the reception of cotton, corn and all other cereals. Prosperity will return to the State, by virtue of the people being happy, bound to the Govern-

ment by a tie that cannot be broken. The taxes, that are so heavy now that men are compelled to sell their horses, will be lightened. I want to see the State alive, to hear the hum of the spindle and the mills! I want to see cattle and horses, and fowls, and everything that makes up a happy home and family. I want to see the people shout with joy and gladness. There shall then be no antagonism between white men and black men, but we shall all realize the end of our being, and realize that we are all made to dwell upon the earth in peace and happiness. The white man and the black man may then work in harmony, and secure prosperity to all coming generations. . . .

### Questions

1. What arguments does Cain make in favor of his proposal? To what present policies, especially of the Freedmen's Bureau, does he object?
2. In certain respects, Cain's proposal can be characterized as *conservative*. How? Would you agree, or not?
3. How would you characterize Cain's intentions toward the *whites* of South Carolina?

## 15-8 Statistics on Black Ownership (1870–1910)

During Reconstruction the lives of African Americans improved significantly, largely as a result of their own efforts. When Reconstruction ended, many of those gains were lost, particularly in the areas of civil and political rights. Still, African Americans continued to improve themselves. As the statistics below indicate, African Americans after 1870 increasingly joined the ranks of farm owners and homeowners.

Source: Loren Schweninger, *Black Property Owners in the South, 1790–1915*, 164, 170, 174, 180. Copyright 1990 by the Board of Trustees of the University of Illinois. Used with permission of the University of Illinois Press.

(a) Black Farm Owners in the South, 1870–1910: Total Number and Percentage of Owners (Black and White)

State	1870		1890		Percentage of increase, 1870–1890	1900		Percentage of increase, 1890–1900	1910		Percentage of increase, 1900–1910
	Total	Percentage	Total	Percentage		Total	Percentage		Total	Percentage	
Alabama	1,152	1.3	8,847	13	668	14,110	15	59	17,047	15	21
Arkansas	1,203	5.2	8,004	24	565	11,941	25	49	14,660	23	23
Florida	596	3.5	4,940	38	729	6,551	48	33	7,286	50	11
Georgia	1,367	1.4	8,131	13	495	11,375	14	40	15,698	13	38
Louisiana	1,107	1.8	6,685	18	504	9,378	16	40	10,681	19	14
Mississippi	1,600	1.9	11,526	13	620	20,973	16	82	24,949	15	19
North Carolina	1,628	2.2	10,494	26	545	16,834	31	60	20,707	32	23
South Carolina	3,062	4.0	13,075	21	327	18,970	22	45	20,356	21	7
Tennessee	1,301	2.2	6,378	23	390	9,414	28	48	10,698	28	14
Texas	839	1.8	12,513	26	1,391	20,139	31	61	21,182	30	5
Virginia	860	1.0	13,678	43	1,490	26,527	59	94	32,168	67	21

(b) Black Homeowners\* in the South, 1870–1910: Total Number and Percentage of Owners (Black and White)

State	1870		1890		1910	
	Total	Percentage	Total	Percentage	Total	Percentage
Alabama	215	4.3	6,898	11	16,714	17
Arkansas	56	5.3	3,840	17	9,802	27
Florida	46	3.7	5,709	28	13,581	22
Georgia	232	2.9	11,874	12	22,544	16
Louisiana	639	5.7	7,917	11	16,160	16
Mississippi	138	4.5	5,430	11	13,783	20
North Carolina	199	5.6	9,516	15	19,627	26
South Carolina	312	4.8	8,026	11	12,730	15
Tennessee	187	3.0	8,285	16	16,070	23
Texas	27	1.0	8,367	22	20,443	26
Virginia	409	3.3	16,210	20	24,405	27

\*Excludes farm homes

## Questions

1. Which state(s) had the greatest increase in black farm owners? In black homeowners?
2. What do the tables reveal about African Americans in the South in an era when they were systematically oppressed by whites?
3. How can you explain this evidence of the success of African Americans in the South in the late nineteenth century?

## Questions for Further Thought

1. Compare Cain's argument on land reform (Document 15-7) to that of Thaddeus Stevens (Document 15-5). To what degree does Cain, like Stevens, see land redistribution as a means of punishing "rebels"? What does each man see as the proper role of the federal government in "reconstructing" the South?
2. Susan B. Anthony's argument (Document 15-6a) rests on an analogy between the status of women in the pre-Reconstruction United States and the status of African Americans. How well does that analogy work?
3. In view of the preceding documents, just how "radical" would you say radical Reconstruction really was? Bear in mind the meaning of the word *radical*—to desire change not on the surface of society, but *at its roots*.

## The Undoing of Reconstruction

Northern support for Reconstruction was never reliable. Because most white northerners feared that President Johnson's program threatened to undo the Union victory and place Confederates back in the saddle (Document 15-9a), they preferred the program of congressional Republicans. However, they were at best only slightly more liberal in their racial views than were southerners, and over time northerners were increasingly receptive to southern white arguments that blacks were not to be trusted to govern (Document 15-9b).

Most southern whites, of course, opposed congressional Reconstruction from the outset, though the vehemence of the opposition fluctuated. The animosity of southern whites toward Reconstruction, Republicans, and African Americans intensified when elections were contested or when sensitive issues were placed before the public. The Ku Klux Klan was especially active during such times (Document 15-10), despite legislation passed against it.

The final undoing of Reconstruction came in the mid-1870s. A serious economic crisis struck the nation in 1873, plunging it into depression. New, economic issues, such as unemployment, labor conflict, and monetary policy, increasingly took precedence over the aging agenda of the sectional conflict, while northern lack of sympathy for blacks became increasingly important in shaping federal policy toward the South (Document 15-11). At the same time, southern whites got bolder, organizing paramilitary organizations to carry elections by whatever means were necessary. In such states as Mississippi and South Carolina, the end of Reconstruction resulted not so much from an election as from a white counterrevolution (Document 15-12).

## 15-9 The Rise and Fall of Northern Support for Reconstruction (1868, 1874)

Thomas Nast

Evidence of broad northern support for the Republican program could be found in many places other than the ballot box. Illustrations from *Harper's Weekly*, such as the one in the text (p. 485) and the one here from 1868 titled "This Is a White Man's Government," reflected popular attitudes in the North in the 1860s. However, northern support for Reconstruction began to erode as early as 1868 and was exhausted by



1874 (see text pp. 495–499), the year the second *Harper's Weekly* illustration presented here appeared. Both cartoons shown here on pages 23 and 24 are by Thomas Nast.

The first cartoon satirizes the Democratic Party in 1868, with its platform rejecting the Congressional Reconstruction Acts as “unconstitutional, null, and void.” Nathan Bedford Forrest—the Confederate general who became the first Grand Wizard of the Ku Klux Klan—is represented in the center, while to his right stands an Irish immigrant, depicted (as was common in Nast cartoons) as a barbaric hoodlum. The third figure (to Forrest’s left) is the Democratic candidate for President in 1868, Governor Horatio Seymour—depicted here as the prosperous associate of New York financiers. This unholy alliance unites in what to Nast were the characteristic Democratic Party activities of racial oppression and treason, illustrated by scenes from the New York Draft riots (see Document 14-7) and the postwar South, and by their trampling on the prostrate form of a black Union soldier.

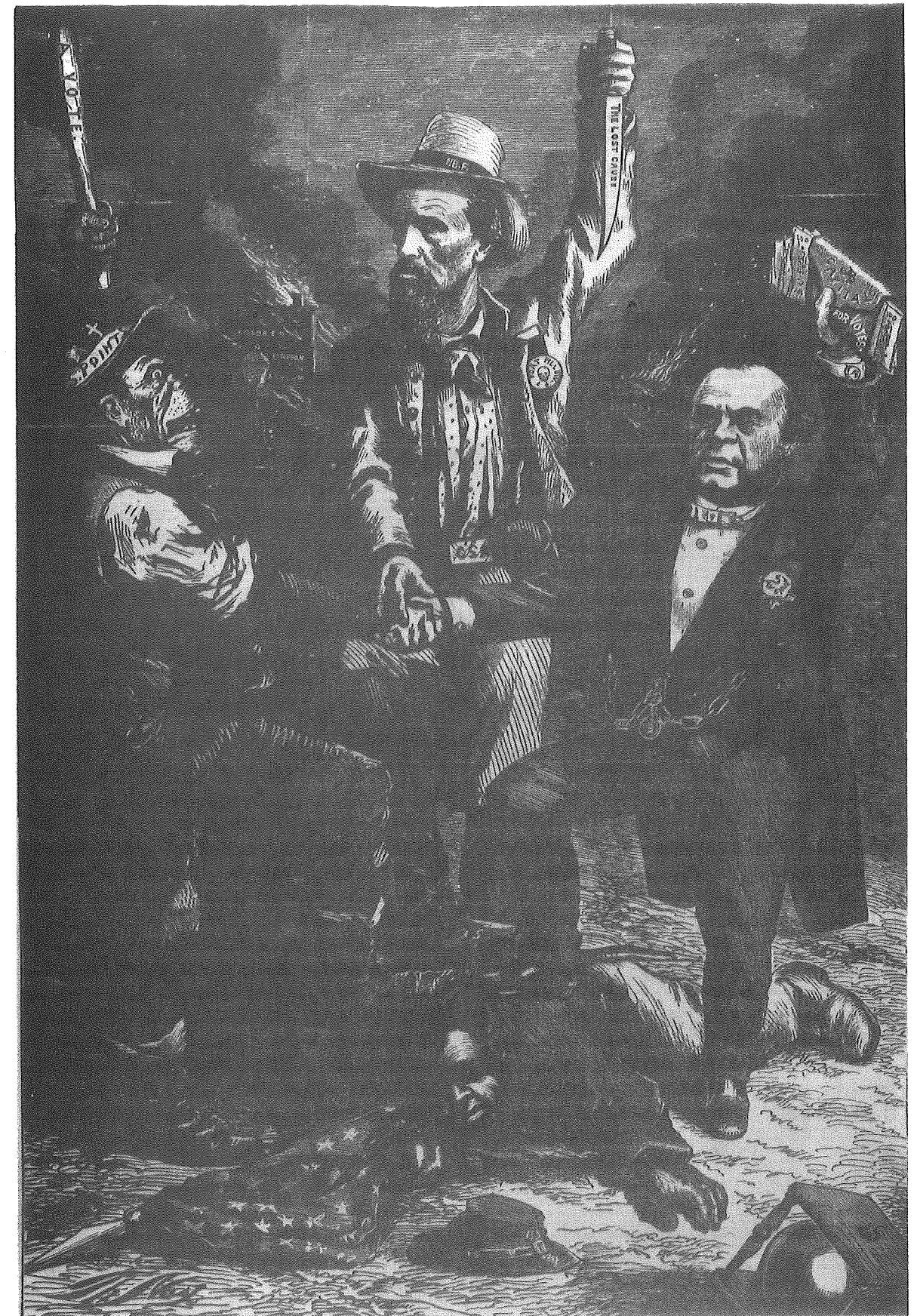
The second cartoon shows a sharp shift in opinion on the part of both Nast and his audience. The cartoon illustrates a derisive news account of the black-majority South Carolina House of Representatives, reprinted from the white conservative *Charleston News*. In 1868 the views of the *News* would have been dismissed as “disloyal” by Nast’s employer, *Harper's Weekly*; by 1874 the magazine was allowing those views a respectful hearing, and its famous cartoonist was giving them his stamp of approval. Why?

Sources: Thomas Nast, “This Is a White Man’s Government,” *Harper's Weekly*, 5 September 1868; Thomas Nast, “Colored Rule in a Reconstructed State,” *Harper's Weekly*, 14 March 1874. Art courtesy the Research Libraries, New York Public Library.

#### Questions

1. Note the picture of African Americans presented here and in the illustration on text page 485. Contrast that with the portrayal of government by southern whites.
2. Compare the portrayal of African Americans in the last illustration with that in the earlier illustrations.
3. What do you think accounts for the change?

(a) This Is a White Man’s Government (1868)





(b) Colored Rule in a Reconstructed State (1874)



## 15-10 A Fool's Errand. By One of the Fools (1879)

Albion W. Tourgee

A native of Ohio, Albion Winegar Tourgee (1838–1905) was working as a school-teacher in New York when the Civil War began. In April 1861 he joined the 27th New York Regiment and was wounded at the first battle of Bull Run. He returned to the army in July 1862 as a lieutenant in the 105th Ohio Regiment. Captured in 1863 at Murfreesboro, he returned to Ohio through a prisoner exchange and then rejoined his regiment to fight at Chickamauga, Lookout Mountain, and Missionary Ridge. Twice charged with insubordination, Tourgee resigned his commission in December 1863 and returned to Ohio to study law. By the fall of 1865 he had relocated, as a "carpet-bagger" (see text p. 489), in Greensboro, North Carolina. In 1868, under the electoral rule imposed under radical Reconstruction (see text pp. 490–491), Tourgee won election as a judge on the state superior court. He served there for six years, finding ample opportunity to defend the rights of freedmen and denounce the atrocities of the Ku Klux Klan. When his tenure on the court ended, President Grant appointed him pension agent at Raleigh, from which office he continued his battle with the Klan and with redeemer Democrats (see text pp. 494–495). By the summer of 1879 he had had enough and moved north with his family, making Mayville, New York, his home by 1881. In the novel *A Fool's Errand*, published in the year of his departure from North Carolina, Tourgee described his experiences during Reconstruction through the character Colonel Comfort Servosse, whom he depicted as "the Fool."

Source: [Albion W. Tourgee], *A Fool's Errand. By One of the Fools* (New York: Fords, Howard, & Hulbert, 1878), 182–192.

It was in the winter of 1868–69 . . . when it was said that already Reconstruction had been an approved success, [and] the traces of the war been blotted out . . . a little company of colored men came to the Fool one day; and one of them, who acted as spokesman said,—

"What's dis we hear, Mars Kunnel [Master Colonel], bout de Klux?"

"The what?" he asked.

"De Klux—de Ku-Kluxers dey calls demselves."

"Oh! The Ku-Klux, Ku-Klux-Klan . . . you mean."

"Yes: dem folks what rides about at night a-pesterin' pore colored people, an' pretendin' tu be jes from hell, or some of de battle-fields ob ole Virginny."

"Oh, that's all gammon [humbug]! There is nothing in the world in it,—nothing at all. . . ."

"You don't think dey's ghosts, nor nothing' ob dat sort?" asked another.

"Think! I know they are not."

"So do I," growled one of their number who had not spoken before, in a tone . . . that . . . drew the eyes of the Fool upon him at once.

"So your mind's made up on that point too, is it Bob?" he asked laughingly.

"I know dey's not ghosts, Kunnel. I wish ter God dey was!" was the reply.

"Why, what do you mean, Bob?" asked the colonel in surprise.

"Will you jes help me take off my shirt, Jim?" said Bob . . . as he turned to one of those with him. . . .

"What d'ye tink ob dat, Kunnel?"

"My God!" exclaimed the Fool, starting back in surprise and horror. "What does this mean, Bob?"

"Seen de Kluckers, sah," was the grimly-laconic answer.

The sight which presented itself to the Fool's eyes was truly terrible. . . . The whole back was livid and swollen, bruised as if it had been brayed in a mortar. Apparently, after having cut the flesh with closely-laid welts and furrows, sloping downward from the left side towards the right, with the peculiar skill . . . which could only be obtained through the abundant opportunity for severe . . . flagellation which prevailed under . . . slavery, the operator had changed his position, and scientifically cross-checked the whole. . . . "Nobody but an ole oberseer ebber dun dat, Kunnel." . . . When his clothing had been resumed, he sat down and poured into the wondering ears of the Fool this story:—

## BOB'S EXPERIENCE.

"Yer see, I'se a blacksmith at Burke's Cross-Roads. I've been thar ever sence a few days arter I heer ob de surrender. I rented an ole house dar, an' put up a sort of shop . . . an' went to work. . . ."

"Long a while back—p'raps five er six month—I refused ter du some work fer Michael Anson or his boy, 'cause they'd run up quite a score at de shop, an' allers put me off when I wanted pay. . . . Folks said I waz gettin' too smart fer a nigger, an' sech like; but I kep right on; tole em I waz a free man . . . an' I didn't propose ter do any man's work fer noffin'. Most everybody hed somefin' ter say about it; but it didn't seem ter hurt my trade very much. . . . When ther come an election, I sed my say, did my own votin', an' tole de other colored people dey waz free, an' hed a right ter du de same. That's bad doctrine up in our country. . . . Dey don't mind 'bout . . . our votin', so long ez we votes ez day tell us. Dat' dare idea uv liberty fer a nigger.

"Well, here a few weeks ago, I foun' a board stuck up on my shop one mornin', wid dese words on it:—

"BOB MARTIN,—You're gettin' too dam smart! The white folks round Burke's Cross-Roads don't want any sech smart niggers round thar. You'd better git, er you'll hev a call from the

"K.K.K."

. . . [Y]esterday . . . my ole 'ooman . . . tuk part ob de chillen into bed wid her; an' de rest crawled in wid me. . . . I kinder remember hearin' de dog bark, but I didn't mind it; an', de fust ting I knew, de do' was bust in. . . . Dar was 'bout tirty of 'em standin' dar in de moonlight, all dressed in black gowns thet come down to ther boots, an' some

sort of high hat on, dat come down ober der faces. . . . Den dey tied me tu a tree, an' done what you've seen. Dey tuk my wife an' oldes' gal out of de house, tore de close right about off 'em, an' abused 'em shockin' afore my eyes. After tarin' tings up a heap in de house, dey rode off, tellin' me dey reckoned I's larn to be 'spectful to white folks here-arter. . . .

"Why have you not complained of this outrage to the authorities?" . . . asked [the Fool] after a moment.

"I tole Squire Haskins an' Judge Thompson what I hev tole you," answered Bob.

"And what did they say?"

"Dat dey couldn't do noffin' unless I could sw'ar to the parties." . . .

There was a moment's silence. Then the colored man asked,—

"Isn't dere no one else, Kunnel, dat could do any ting? Can't de President or Congress do somefin'? De gov'ment sot us free, an' it 'pears like it oughtn't to let our old masters impose on us in no sech way now. . . . We ain't cowards. We showed dat in de wah. I'se seen darkeys go whar de white troops wa'n't anxious to foller 'em, mor'n once."

"Where was that, Bob?"

"Wal, at Fo't Wagner, for one."

"How did you know about that?"

"How did I know 'bout dat? Bress yer soul, Kunnel, I was dar!"

### Questions

1. Tourgee, thinly disguised as Servosse, depicts himself as "the Fool." Why?
2. Could the president or Congress have acted in ways that they did not to suppress the Ku Klux Klan? Describe the measures you think would have been necessary.
3. Were equal rights for blacks and the restoration of civil government in the South compatible? Explain why or why not.

## 15-11 President Grant Refuses to Aid Republicans in Mississippi (1875)

As one of three southern states with a black-majority population, one whose black voters were well organized, Mississippi should logically have remained secure for the Republicans. However, in the state election year of 1875, white Democrats launched a campaign of systematic violent intimidation of black and Republican voters. Against the massive mobilization of white "Rifle Clubs," the state government of Governor Adelbert Ames was helpless, and in September Ames sent President Grant a desperate plea for federal troops. Grant and his attorney general, Edwards Pierrepont, turned down Ames's request; Pierrepont's letter to Ames of September 14, quoting Grant, was subsequently released to the press (Document 15-11a). Thanks to a catastrophic decline in Republican votes and blatant ballot-box stuffing, Democrats "redeemed" the

state in a landslide. One of the few survivors of the Democratic onslaught, African American Congressman John R. Lynch, wrote some years later of a postelection encounter with President Grant, who explained to him the political considerations behind his abandonment of Mississippi Republicans (Document 15-11b).

Sources: *New York Times*, 17 September 1875, 1; John Roy Lynch, *The Facts of Reconstruction* (New York: Neale Publishing Co, 1913), 150–153.

### (a) Pierrepont's Letter of Refusal

DEPARTMENT OF JUSTICE,  
WASHINGTON, Sept. 14, 1875.

To Gov. Ames, Jackson, Miss.:

This hour I have had dispatches from the President. I can best convey to you his ideas by extracts from his dispatch: "The whole public are tired out with these annual Autumnal outbreaks in the South, and the great majority are ready now to condemn any interference on the part of the Government. I heartily wish that peace and good order may be restored without issuing the proclamation; but if it is not the proclamation must be issued, and if it is I shall instruct the commander of the forces to have *no child's play*. If there is a necessity for military interference, there is justice in such interference as shall deter evil-doers. . . . I would suggest the sending of a dispatch (or better, a private messenger,) to Gov. Ames, urging him to strengthen his own position by exhausting his own resources in restoring order before he receives Government aid. He might accept the assistance offered by the citizens of Jackson and elsewhere. . . . Gov. Ames and his advisors can be made perfectly secure. As many of the troops in Mississippi as he deems necessary may be sent to Jackson. If he is betrayed by those who offer assistance, he will be in a position to defeat their ends and punish them."

You see by this the mind of the President, with which I and every member of the Cabinet who has been consulted are in full accord. You see the difficulties—you see the responsibilities which you assume. We cannot understand why you do not strengthen yourself in the way the President suggests, nor do we see why you do not call the Legislature together, and obtain from them whatever powers, money, and arms you need. The Constitution is explicit that the Executive of the State can call upon the President for aid in suppressing "domestic violence" only "when the Legislature cannot be convened," and the law expressly says: "In case of an insurrection in any State against the Government thereof, it shall be lawful for the President, on application of the Legislature of such State, or of the Executive, when the Legislature cannot be convened, to call," &c. It is the plain meaning of the Constitution and laws when taken together that the Executive of the State may call upon the President for military aid to quell "domestic violence" only in case of an insurrection in any State against the Government thereof when the Legislature can-

not be called together. You make no suggestions even that there is any insurrection against the Government of the State, or that the Legislature would not support you in any measures you might propose to preserve the public order. I suggest that you take all lawful means and all needed measures to preserve the peace by the forces in your own State, and let the country see that the citizens of Mississippi, who are largely favorable to good order, and who are largely Republican, have the courage and the manhood to fight for their rights and to destroy the bloody ruffians who murder the innocent and inoffending freedmen. Everything is in readiness. Be careful to bring yourself strictly within the Constitution and the laws, and if there is such resistance to your State authorities as you cannot, by all the means at your command, suppress, the President will swiftly aid you in crushing those lawless traitors to human rights.

Telegraph me on receipt of this, and state explicitly what you need. Very respectfully yours,

EDWARDS PIERREPONT, Attorney General.

### (b) Grant's Subsequent Explanation

. . . I then informed the President that there was another matter about which I desired to have a short talk with him, that was the recent election in Mississippi. After calling his attention to the sanguinary struggle through which we had passed, and the great disadvantages under which we labored, I reminded him of the fact that the Governor, when he saw that he could not put down without the assistance of the National Administration what was practically an insurrection against the State Government, made application for assistance in the manner and form prescribed by the Constitution, with the confident belief that it would be forthcoming. But in this we were, for some reason, seriously disappointed and sadly surprised. The reason for this action, or rather non-action, was still an unexplained mystery to us. For my own satisfaction and information I should be pleased to have the President enlighten me on the subject.

The President said that he was glad I had asked him the question, and that he would take pleasure in giving me a frank reply. He said he had sent Governor Ames' requisition to the War Department with his approval and with instructions to have the necessary assistance furnished without delay. He had also given instructions to the Attorney-General to use the marshals and the machinery of



the Federal judiciary as far as possible in coöperation with the War Department in an effort to maintain order and to bring about a condition which would insure a peaceable and fair election. But before the orders were put into execution a committee of prominent Republicans from Ohio had called on him. (Ohio was then an October State,—that is, her elections took place in October instead of November.) An important election was then pending in that State. This committee, the President stated, protested against having the requisition of Governor Ames honored. The committee, the President said, informed him in a most emphatic way that if the requisition of Governor Ames were honored, the Democrats would not only carry Mississippi,—a State which would be lost to the Republicans in any event,—but that Democratic success in Ohio would be an assured fact. If the requisition were not honored it would make no change in the result in Mississippi, but that Ohio would be saved to the Republicans. The President assured me that it was with great reluctance that he yielded,—against his own judgment and sense of official duty,—to the arguments of this committee, and directed the withdrawal of the orders which had been given the Secretary of War and the Attorney-General in that matter.

This statement, I confess, surprised me very much.

"Can it be possible," I asked, "that there is such a prevailing sentiment in any State in the North, East or West as renders it necessary for a Republican President to virtually give his sanction to what is equivalent to a suspension of the Constitution and laws of the land to insure Republican success in such a State? I cannot believe this to be true, the

opinion of the Republican committee from Ohio to the contrary notwithstanding. What surprises me more, Mr. President, is that you yielded and granted this remarkable request. That is not like you. It is the first time I have ever known you to show the white feather. Instead of granting the request of that committee, you should have rebuked the men,—told them that it is your duty as chief magistrate of the country to enforce the Constitution and laws of the land, and to protect American citizens in the exercise and enjoyment of their rights, let the consequences be what they may; and that if by doing this Ohio should be lost to the Republicans it ought to be lost. In other words, no victory is worth having if it is to be brought about upon such conditions as those,—if it is to be purchased at such a fearful cost as was paid in this case."

"Yes," said the President, "I admit that you are right. I should not have yielded. I believed at the time that I was making a grave mistake. But as presented, it was duty on one side, and party obligation on the other. Between the two I hesitated, but finally yielded to what was believed to be party obligation. If a mistake was made, it was one of the head and not of the heart. That my heart was right and my intentions good, no one who knows me will question. If I had believed that any effort on my part would have saved Mississippi I would have made it, even if I had been convinced that it would have resulted in the loss of Ohio to the Republicans. But I was satisfied then, as I am now, that Mississippi could not have been saved to the party in any event and I wanted to avoid the responsibility of the loss of Ohio, in addition. This was the turning-point in the case. . . ."

#### Questions

1. Do you think that Grant was correct in his argument against federal intervention? Was there really nothing that the federal government and the national Republican Party could have done to "save" Mississippi?
2. Had Governor Ames convened the Mississippi legislature to deal with "the bloody ruffians," how successful do you think he would have been?
3. What does Grant's decision illuminate about how Republicans, and many people in the North, had come to view the South and the progress of Reconstruction—especially in the Deep South—by the mid-1870s?

## 15-12 Plan of the Campaign (1876)

Martin W. Gary

The Mississippi Plan of 1875 proved so successful in "redeeming" that state in 1875 that it attracted attention from white Democrats in the other southern states still under Republican rule. In South Carolina—like Mississippi a black-majority state—white "Conservatives" created a paramilitary organization called the Red Shirts. The chief organizer of the campaign to overthrow the Republicans, an upcountry lawyer and politician named Martin W. Gary, prepared the following "Plan of the Campaign," which in revised form was sent out to all county Conservative organizations. The

"rules" in italics were omitted in the printed version. Like the "Mississippi Plan," Gary's plan was successful in ousting the Republican regime in the state, although the Conservative victory was only ratified when President Hayes withdrew federal troops from the state as part of the Compromise of 1877.

Source: Francis Butler Simkins and Robert Hilliard Woody, *South Carolina during Reconstruction* (Chapel Hill: University of North Carolina Press, 1932), 564-569.

1. That every Democrat in the Townships must be put upon the Roll of the Democratic Clubs. Nolens volens.

2. That a Roster must be made of every *white* and of every *negro* voter in the Townships and *returned immediately* to the Country Executive Committee.

3. *That the Democratic Military Clubs are to be armed with rifles and pistols and such other arms as they may command. They are to be divided into two companies, one of the old men the other of the young; an experienced captain or commander to be placed over each of them. That each Company is to have a 1st and 2nd Lieutenant. That the number of ten privates is to be the unit of organization. That each Captain is to see that his men are well armed and provided with at least thirty rounds of ammunition. That the Captain of the young men is to provide a Baggage wagon, in which three days rations for the horses and three days rations for the men are to be stored on the day before the election in order that they may be prepared at a moments notice to move to any point in the County when ordered by the Chairman of the Executive Committee.*

#### ELECTION

4. We must get the three Commissioners of Election, who are appointed by the Governor, as favorable to us as possible, and we must demand that at least one reliable Democrat is on the Commission and he must endeavor to get to be Chairman of the Commission, and the clerk that is allowed them must be a Democrat if we can possibly bring it about.

5. We must have at least one half of the managers of Election Democrats and as many more as we can get. We must have the Chairman of the Board of Managers a Democrat by all means. Also all the clerks to the managers of Precincts must be Democrats.

6. We must have a duplicate of the result of the Election made out for the benefit of the Executive Committee so soon as the ballots are counted and forwarded at once by a courier, on the night of the Election. There must be a Committee who shall keep watch and guard over the ballot boxes to prevent the Radicals from tampering with them in any way.

7. We must send a committee with a duplicate of the Election to Columbia in order to see to it that the State

Canvassers do not perpetrate any fraud upon us after the Election is held, and . . . that the Clerk of the Court files a copy of the returns of Election in accordance with Law.

8. *There must be at least two hundred select men, chosen from the different Clubs, to go to Columbia in the event of a refusal to seat the Democratic members elected, to compel and enforce their rights to be seated at all hazards.*

9. Every Democrat must be at the polls by five o'clock in the morning of the election, carry his dinner with him and stay there until the votes are counted, unless the exigencies require him elsewhere.

10. It shall be the duty of each club to provide transportation to old and helpless voters and assist them to the Polls, and at the same time see to it that all Democrats turn out and vote.

11. Every Democrat must be on the alert on the day of Election to see that negroes under age do not vote and that those who are properly entitled to vote do not repeat, and if they should discover that squads should leave the precincts and go in the direction of another precinct, they must follow them and challenge their vote at the next precinct.

12. Every Democrat must feel honor bound to control the vote of at least one negro, by intimidation, purchase, keeping him away or as each individual may determine, how he may best accomplish it.

13. We must attend every Radical meeting that we hear of whether they meet at night or in the day time. Democrats must go in as large numbers as they can get together, and well armed, behave at *first* with great courtesy and assure the ignorant negroes that you mean them no harm and so soon as their *leaders* or speakers begin to speak and make false statements of facts, tell them *then* and *there* to their faces, that they are liars, thieves and rascals, and are only trying to mislead the ignorant negroes and if you get a chance get upon the platform and address the negroes.

14. In speeches to negroes you must remember that *argument* has no effect upon them: They can only be influenced by their *fears*, superstition and cupidity. Do not attempt to flatter and persuade them. Tell them plainly of our wrongs and grievances, perpetrated upon us, by their rascally leaders. Prove to them that we can carry the election without them and if they coöperate with us, it will benefit them more than it will us. Treat them so as to show

n, you are the superior race, and that their natural position is that of subordination to the white man.

15. Let it be generally known that if any blood is shed, lives burnt, votes repeated, ballot boxes stuffed, false counting of votes, or any acts on their part that are in violation of *Law and Order!* that we will hold the leaders of the *Radical Party personally responsible*, whether they be present at the time of the commission of the offense or not; beginning *first* with the white men, second with mulatto men and third with the black leaders. This should be proclaimed from one end of the country to the other, so that *every Radical* may know it, as the *certain, fixed and unalterable determination* of every Democrat in this county.

16. *"Never threaten a man individually if he deserves to be threatened, the necessities of the times require that he should die. A dead Radical is very harmless—a threatened Radical or one driven off by threats from the scene of his operations is often very troublesome, sometimes dangerous—always vindictive."* . . .

21. *In the month of September we ought to begin to organize negro clubs, or pretend that we have organized them and write letters from different parts of the County bragging the facts of organization out from prudential reasons, the names of the negroes are to be withheld. Those who join are to be taken on probation and are not to be admitted into full fellowship, until they have proven their sincerity by voting our ticket.*

22. In the nomination of candidates we should nominate those who will give their time, their money, their brains, their energies and if necessary lay down their lives to carry this election. Any attempt to run independent candidates must be prevented at any risk.

23. There should not be any assessment for money to carry on the campaign, before the month of October, when the cotton crop begins to mature and our people have an opportunity of raising money by its sale.

24. In voting for or nominating candidates for County, State or Federal offices, we must give the preference to native born *white South Carolinians* over Carpet baggers.

25. The watch word of our Campaign should be "fight the Devil with fire." That we are in favor of local self government, home rule by home folks and that we are determined to drive the carpet baggers from this State at all hazards. . . .

28. In all processions the clubs must parade with banners, mottoes, etc. and keep together so as to make an imposing spectacle.

29. Every club must be uniformed in a red shirt and they must be sure and wear it upon all public meetings and particularly on the day of election. . . .

30. Secrecy should shroud all of transactions. Let not your left hand know what your right does. . . .

33. Any member of the Party who fails to vote the ticket must be read out of the Party.

### Questions

1. Is this a plan for a political or a military campaign? Explain the difference.
2. What distinguishes the provisions in italics from those in regular typeface?
3. What are Gary's attitudes toward blacks? Does he regard them as citizens to be persuaded of the justice of his cause?

### Questions for Further Thought

1. Compare and contrast northern and southern views of blacks (Documents 15-9a, 15-9b, and 15-10). How are they the same? How are they different? What impact did the northern view of blacks have on the progress of Reconstruction?
2. Why did the Radical Republican program (Document 15-5) for reconstruction fail? After years of promises, why did the Republican Party in particular, and northerners in general, turn their backs on the freedmen and leave them to the mercy of their former masters in the South (Documents 15-11 and 15-12)?
3. If the Republican Party had pressed ahead with Reconstruction, do you think that it could have achieved its goals? Or was Albion Tourgee correct in calling the effort to reform the post-Civil War South "a fool's errand" (Document 15-10)?